

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HECTOR MARTINEZ,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-11-830-F
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

On September 16, 2015, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation (doc. no. 354), wherein he recommended that Defendant's Motion to Dismiss for Lack of Subject-Matter Jurisdiction (doc. no. 251), converted to a motion for summary judgment under Rule 56, Fed. R. Civ. P., by order dated September 3, 2014 (doc. no. 300), be granted and all other pending motions (doc. nos. 233, 253, 330 and 350) be denied as moot.

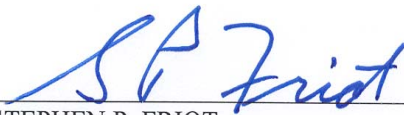
Magistrate Judge Goodwin advised the parties of their right to file an objection to the Report and Recommendation by October 7, 2015 and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues therein contained. To date, no party has filed an objection or sought an extension of time to file an objection. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin on September 16, 2015 (doc. no. 354) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Defendant's Motion to Dismiss for Lack of Subject-Matter Jurisdiction (doc. no. 251), converted to a motion for summary judgment under Rule 56, Fed. R. Civ. P., by order dated September 3, 2014 (doc. no.

300), is **GRANTED**. Plaintiff's remaining claim of negligent protection from assault under the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-2680, is **DISMISSED** for lack of subject matter jurisdiction. All other pending motions (doc. nos. 233, 253, 330 and 350) are **DENIED** as **MOOT**.

Judgment shall issue forthwith.

DATED October 22, 2015.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE